

1 HB44
2 179137-1
3 By Representative Poole (Constitutional Amendment)
4 RFD: Ways and Means Education
5 First Read: 16-AUG-16

2
3
4
5
6
7
8 SYNOPSIS: Currently, the state legislature meets
9 annually in regular session for all legislative
10 matters including annual budgets for all funds of
11 the state. This bill proposes an amendment to the
12 Constitution of Alabama of 1901 to provide for
13 regular sessions of the legislature for
14 non-budgetary matters and for fiscal sessions of
15 the legislature for appropriations bills for a
16 biennial budget period for all funds of the state,
17 and to repeal Amendment 339 to the Constitution of
18 Alabama of 1901, now appearing as Section 76 of
19 Article IV of the Official Recompilation of the
20 Constitution of 1901, as amended, and Amendment 448
21 to the Constitution of Alabama of 1901, now
22 appearing as Section 71.01 of Article IV of the
23 Official Recompilation of the Constitution of
24 Alabama of 1901, as amended.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 To propose an amendment to the Constitution of
4 Alabama of 1901, in order to provide for annual regular
5 sessions of the legislature for non-budgetary matters and for
6 fiscal sessions of the legislature for appropriations bills
7 for a biennial budget period for all funds of the state and to
8 repeal Amendment 339 of the Constitution of Alabama 1901 now
9 appearing as Section 76 of Article IV of the Official
10 Recompilation of the Constitution of 1901, as amended and
11 Amendment 448 to the Constitution of Alabama of 1901, now
12 appearing as Section 71.01 of Article IV of the Official
13 Recompilation of the Constitution of Alabama of 1901.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. The following amendment to the
16 Constitution of Alabama of 1901, as amended, is proposed and
17 shall become valid as a part thereof when approved by a
18 majority of the qualified electors voting thereon and in
19 accordance with Sections 284, 285, and 287 of the Constitution
20 of Alabama of 1901, as amended:

21 PROPOSED AMENDMENT

22 Section I. Beginning in the calendar year 2017,
23 regular sessions of the legislature shall be held annually
24 beginning on the last Tuesday in January, or on such other day
25 as may be prescribed by law, and shall be limited to 20
26 legislative days and 70 calendar days. While in regular

1 session, the legislature may consider any bill or resolution
2 other than bills making appropriations.

3 Beginning in the calendar year 2017, fiscal sessions
4 of the legislature shall be held annually following the
5 regular session, on the fourth Tuesday in April or other such
6 day as may be prescribed by law, and shall be limited to 12
7 legislative days and 30 calendar days. While in fiscal
8 session, the legislature shall consider only bills making
9 basic appropriations for the two succeeding fiscal years or
10 amending appropriation bills as the Legislature shall
11 determine. The basic appropriations in these bills shall be
12 itemized and totaled for each fiscal year of the biennial
13 budget period. Accounting shall continue to be maintained on a
14 fiscal year basis.

15 Special sessions of the legislature convened in the
16 manner provided by this Constitution shall be limited to 12
17 legislative days and 30 calendar days.

18 The salary of no officer or employee shall be
19 increased in bills making basic appropriations, nor shall any
20 appropriation be made therein for any officer or employee
21 unless his employment and the amount of his salary have
22 already been prescribed by law. All other appropriations shall
23 be made by separate bills, each embracing but one subject.

24 The term "basic appropriations" means, with respect
25 to any fiscal session of the legislature, such appropriations
26 along with any necessary revenue measures as the legislature
27 may deem appropriate for the expenditures by the state during

1 the two succeeding fiscal years that constitute the budget
2 period for the ordinary expenses of the executive,
3 legislative, and judicial departments of the state, for
4 payment of the public debt, and for education.

5 On or before the seventh day in advance of the first
6 legislative day of each fiscal session of the legislature,
7 beginning with the first fiscal session after January 1, 2017,
8 the governor shall transmit to the legislature for its
9 consideration a proposed budget containing the appropriate
10 subjects of appropriation for the two succeeding fiscal years
11 that constitute the ensuing biennial budget period.

12 It is the paramount duty of the legislature in each
13 fiscal session to pass a bill containing the basic
14 appropriations for the two years that constitute the
15 succeeding budget period. The Legislature shall prescribe by
16 law for passing basic appropriations for the ordinary expenses
17 of the executive, legislative, and judicial departments of the
18 state, in annual fiscal sessions held in even-numbered
19 calendar years, and for passing basic appropriations for
20 education in annual fiscal sessions held in odd-numbered
21 calendar years. These bills may contain payments for interest
22 on the public debt as the legislature shall prescribe by law.
23 Appropriations made from the Education Trust Fund shall be for
24 educational purposes only. Nothing contained herein shall be
25 construed as requiring the legislature to make any
26 appropriation not otherwise required by this Constitution to

1 be made, nor prohibiting the Legislature from amending any
2 bill making appropriations in fiscal session.

3 Section II. Amendment 339 of the Constitution of
4 Alabama 1901, now appearing as Section 76 of Article IV of the
5 Official Recompilation of the Constitution of 1901, as amended
6 and Amendment 448 to the Constitution of Alabama of 1901, now
7 appearing as Section 71.01 of Article IV of the Official
8 Recompilation of the Constitution of Alabama of 1901, as
9 amended, are repealed.

10 Section 2. An election upon the proposed amendment
11 shall be held in accordance with Sections 284 and 285 of the
12 Constitution of Alabama of 1901, now appearing as Sections 284
13 and 285 of the Official Recompilation of the Constitution of
14 Alabama of 1901, as amended, and the election laws of this
15 state.

16 Section 3. The appropriate election official shall
17 assign a ballot number for the proposed constitutional
18 amendment on the election ballot and shall set forth the
19 following description of the substance or subject matter of
20 the proposed constitutional amendment:

21 "Proposing an amendment to the Constitution of
22 Alabama of 1901, to provide for annual regular and fiscal
23 sessions of the legislature for biennial budgeting purposes
24 and to repeal Amendment 339 of the Constitution of Alabama
25 1901, now appearing as Section 76 of Article IV of the
26 Official Recompilation of the Constitution of 1901, as amended
27 and Amendment 448 to the Constitution of Alabama of 1901, now

1 appearing as Section 71.01 of Article IV of the Official
2 ReCompilation of the Constitution of Alabama of 1901, as
3 amended.

4 "Proposed by Act _____."

5 This description shall be followed by the following
6 language:

7 "Yes () No ()."